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MITIGATED NEGATIVE DECLARATION

Project Name: Sanders Minor Subdivision (4 lots)

Project Number(s): 3200-20765 (TPM), 3910-03-15-006 (ER)

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the
Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for biological resources, cultural resources, fire protection, drainage, well testing, geologic resources and stormwater.
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. NOISE

1. **NOISE PROTECTION EASEMENT: [DPLU, BPPR] [DPLU, PCC] [MA] [DPLU, FEE X 1] Intent:** In order to reduce the exposure to noise levels in excess of standards established by the [County of San Diego General Plan Noise Element \(Policy 4.b\)](#), and the [County of San Diego CEQA Noise Guidelines for Determining Significance](#), a noise protection easement shall be placed on the parcel to reduce the noise exposure of land uses for sensitive receptors below levels of significance. **Description of requirement:** A Noise Restriction Easement as indicated on the approved Tentative Parcel Map, shall be granted on the map. The easement shall be placed over the first 340 feet from the centerline of Old Highway 80 on portions of Parcels 1, 2, 3 and 4. The said easement shall include and shall comply with the following:
 - a. Prior to the approval of any Building Plan and issuance of any Building Permit, a County Approved Acoustical Consultant, shall perform an acoustical analysis, which demonstrates that the proposed **residential dwelling** unit(s) will not be exposed to present and anticipated future noise levels exceeding the allowable sound level limit of the General Plan community noise equivalent levels (CNEL) of 45 dB for interior noise, and a (CNEL) of 60dB for exterior noise levels. Exterior noise sensitive land uses include all Group or Private Usable Open Space as defined by [the General Plan Noise Element \(Policy 4.b\)](#).
 1. Future traffic noise level estimates, must utilize a Level of Service "C" traffic flow for a Collector roadway for—Old Highway 80 , which is its designated General Plan Circulation Element buildout roadway classification.

- b. The acoustical analysis shall make recommendations that shall be implemented in the project design and building plans, so the proposed structures and project site can comply with the noise standards referenced above.
- c. The unauthorized removal of documented noise control measures at a future date after the initial condition is satisfied shall make the affected noise sensitive land use still subject to this building restriction for protection of these uses before any future building permits can be approved and issued.
- d. Prior to the approval of any Building Plan and issuance of any Building Permit, the applicant shall prepare the acoustic analysis and incorporate the proposed project design recommendations and mitigation measures, into the Building Plans. The applicant shall submit the acoustical analysis along with the building plans to the [DPLU, BD] for review and approval before the building permits can be issued. To the satisfaction of the [DPLU, PCC], the applicant shall revise the building plans or site design to incorporate any additional proposed mitigation measures.

Documentation: The applicant shall indicate the noise restriction easement on the map as indicated on the tentative map. **Timing:** Prior to the approval of the map for Parcels 1, 2, 3, and 4, the requirements of this condition shall be completed. **Monitoring:** The [DPW, LDR] shall verify that the easement is indicated on the map, and that the map details the language above.

C. CULTURAL RESOURCES

1. **DATA RECOVERY PROGRAM: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE]** **Intent:** In order to mitigate for potential impacts to significant cultural resources pursuant to Section 15064.5 of the California Environmental Quality Act (CEQA), which are not determined to be significant pursuant to Section 86.602.o of the Resource Protection Ordinance (RPO), a data recovery program shall be implemented. **Description of Requirement:** Implement the research design detailed in Appendix H of the the archaeological extended study "*Cultural Resources Testing Of The Sanders Minor Subdivision Project, Pine Valley, San Diego County, California*", dated September 2010, prepared by Andrew R. Pignuolo of Laguna Mountain Environmental, Inc. The implementation of the research design constitutes mitigation for the proposed destruction of

site CA-SDI-17210/19289. The data recovery program shall include the following:

- a. **Phase One:** The data recovery program shall comply with research design and performance standards that are in the approved data recovery program in the report referenced above.
- b. **Phase One:** Upon completion a letter report shall be prepared, which evaluates the issues of site integrity, data redundancy, spatial and temporal patterning, features, and other relevant topics in order to assess the adequacy of the initial 2.5% percent sample. Based on this assessment, the letter report shall recommend the need for and scope of a second phase of field investigations, not to exceed a total site hand excavated sample of 2.5% subsurface artifact concentrations. If no artifacts are found, then a phase two data recovery program is not required.
- c. **Phase Two:** Implement Phase Two fieldwork as necessary. For artifacts are found during the phase one and phase two data recovery referenced above, conduct an artifact analysis, which includes the following: lithics, ceramics, faunal, floral, assemblage, and radiocarbon dating as referenced in the report above.
- d. **Curation:** All archaeological materials recovered during both the survey, significance testing, and data recovery phases, shall be curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation.

Documentation: Upon completion of the phase one data recovery referenced above, the applicant shall submit the letter report to the [DPLU, PCC] for review and approval. If a phase two data recovery program is required, the applicant shall provide a Final Technical Report from the Principal Investigator to the [DPLU, PCC]. The final report shall include a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid. **Timing (1, for field work):** Prior to the approval of any plan, issuance of any permit and prior to approval of any map, the field work portion data recovery of the program shall be completed. **Timing (2, final Report):**

Prior to Final Grading Release ([Grading Ordinance Sec. 87.421.a.3](#)) for TPM 20765,. **Timing (3, Curation):** Prior to the occupancy of any structure in reliance of TPM 20765. **Monitoring:** The [DPLU, PCC] shall review the phase one letter from the project archaeologist (PI) for compliance with this condition. If a phase two data recovery program is required, the [DPLU, PCC] shall review the final data recovery program report for compliance with this condition.

2. **ARTIFACT CURATION: [DPLU, PCC] [BP, GP, CP, UO] [DPLU, FEE]**
Intent: In order to ensure that all cultural resource artifacts that were discovered during the survey, testing and evaluation phase are curated for future research and study, the artifacts shall be delivered and accepted by a County approved curation facility. **Description of Requirement:** All archaeological materials recovered by archaeologist Andrew Pignuolo with Laguna Mountain Environmental, Inc. during the work reported in: *"Cultural Resources Testing Of The Sanders Minor Subdivision Project, Pine Valley, San Diego County, California"*, dated March 2010, prepared by Andrew R. Pignuolo of Laguna Mountain Environmental, Inc. submitted on April 29, 2010, have been curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. **Documentation:** The applicant shall provide a letter from the curation facility, which identifies that the archaeological materials referenced in the final report have been received and that all fees have been paid. **Timing:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the artifacts shall be curated. **Monitoring:** The [DPLU, PCC] shall review the letter from the curation facility for compliance with this condition.
3. **ARCHAEOLOGICAL GRADING MONITORING: [DPLU, PCC] [DPW, ESU] [MA, GP, IP] [DPLU, FEE X 2]** **Intent:** In order to mitigate for potential impacts to undiscovered buried archaeological resources on the project site, a grading monitoring program and potential data recovery program shall be implemented pursuant to the [County of San Diego Guidelines for Determining Significance for Cultural Resources](#) and [CEQA Section 15064.5 an 15064.7](#). **Description of Requirement:** A County approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform cultural resource grading monitoring and a

potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The following shall be completed:

- a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the [County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources](#), and this map. The contract provided to the County shall include an agreement that the grading monitoring will be completed, and a [Memorandum of Understanding \(MOU\)](#) between the Project Archaeologist and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.
- b. The Project Archeologist shall provide evidence that a Qualified Native American of the appropriate tribal affiliation has also been contracted to perform Native American Grading Monitoring for the project.
- c. The cost of the monitoring shall be added to the grading bonds that will be posted with the Department of Public Works, or bond separately with the Department of Planning and Land Use.

Documentation: The applicant shall provide a copy of the Grading Monitoring Contract, cost estimate, and [MOU](#) to the [DPLU, PCC]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **Timing:** Prior to the approval of the map for TPM 20765 and prior to the approval of any plan and issuance of any permit, the contract shall be provided. **Monitoring:** The [DPLU, PCC] shall review the contract, [MOU](#) and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [DPW, LDR], for inclusion in the grading bond cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring to the grading bond costs, and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

4. **CULTURAL RESOURCES REPORT: [DPLU, PCC] [UO, FG] [DPLU, FEE X2]. Intent:** In order to ensure that the Grading Monitoring occurred during the grading phase of the project pursuant to condition 17 a final report shall be prepared. **Description of Requirement:** A final Grading Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program shall be prepared. The report shall include the following items:

- a. Department of Parks and Recreation Primary and Archaeological Site forms.
- b. Daily Monitoring Logs
- c. Evidence that all cultural resources collected during the grading monitoring program has been curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to an appropriate curation facility in San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.
- d. If no cultural resources are discovered, a Negative Monitoring Report must be submitted stating that the grading monitoring activities have been completed. Daily Monitoring Logs must be submitted with the negative monitoring report.

Documentation: The applicant's archaeologist shall prepare the final report and submit it to the [DPLU, PCC] for approval. **Timing:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **Monitoring:** The [DPLU, PCC] shall review the final report for compliance this condition and the report format guidelines. Upon acceptance of the report, [DPLU, PCC] shall inform [DPW, LDR] and [DPW, PDCI], that the requirement is complete and the bond amount can be relinquished. If the monitoring was bonded separately, then [DPLU, PCC] shall inform [DPLU, FISCAL] to release the bond back to the applicant.

5. **"TEMPORARY FENCING: [DPLU, PCC] [DPW, PDCI] [PC] [DPLU, FEE].** **Intent:** In order to prevent inadvertent disturbance to archaeological and biological resources, temporary construction fencing shall be installed. **Description of Requirement:** Prior to the commencement of any grading and or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing.

- a. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary.
- b. The placement of such fencing shall be approved by the DPLU, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the fencing shall be removed.

Documentation: The applicant shall install the fencing and have a California Registered Engineer or licensed surveyor certify the installation of the temporary fencing. The applicant shall submit photos of the fencing along with the certification letter to the [DPLU, PCC] for approval.

Timing: Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the grading and clearing.

Monitoring: The [DPLU, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant's engineer or surveyor.

6. **ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [PC] [DPLU, FEE X2]** **Intent:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to TPM 20765, a Cultural Resource Grading Monitoring Program shall be implemented. **Description of Requirement:** The County approved 'Project Archaeologist,' Native American Monitor, and the DPLU Permit Compliance Coordinator (PCC), shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the grading monitoring program. The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The grading monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources. **Documentation:** The applicant shall have the contracted Project Archeologist and Native American attend the preconstruction meeting to explain the monitoring requirements. **Timing:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **Monitoring:** The [DPW, PDCI] shall invite the [DPLU, PCC] to the preconstruction conference to coordinate the Cultural Resource Monitoring requirements of this condition. The [DPLU,

PCC] shall attend the preconstruction conference and confirm the attendance of the approved Project Archeologist.

7. **ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [DPLU, FEE X2] Intent:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to TPM 207656, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources](#), Cultural Resource Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Archaeologist (and Kumeyaay Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The grading monitoring program shall comply with the following requirements during grading:
 - a. “During the original cutting of previously undisturbed deposits, the Project Archaeologist and Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist.”
 - b. “In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist, in consultation with the Native American monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the DPLU Staff Archaeologist. The Project Archaeologist, in consultation with the DPLU Staff Archaeologist, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the DPLU Staff Archaeologist has concurred with the evaluation. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Project Archaeologist and approved by the Staff Archaeologist, then carried out using professional archaeological methods.”

- c. "If any human bones are discovered, the Project Archaeologist shall contact the County Coroner and the DPLU Staff Archaeologist. If the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted by the Project Archaeologist in order to determine proper treatment and disposition of the remains."

Documentation: The applicant shall implement the grading monitoring program pursuant to this condition. **Timing:** The following actions shall occur throughout the duration of the grading construction. **Monitoring:** The [DPW, PDC] shall make sure that the Project Archeologist is on-site performing the Monitoring duties of this condition. The [DPW, PDC] shall contact the [DPLU, PCC] if the Project Archeologist or applicant fails to comply with this condition.

8. **ARCHAEOLOGICAL MONITORING: [DPLU, PCC] [RG, BP] [DPLU, FEE]. Intent:** In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to TPM 20765, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources](#), a Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Archaeologist shall prepare one of the following reports upon completion of the grading activities that require monitoring:

- a. If **no archaeological resources** are encountered during grading, then submit a final Negative Monitoring Report substantiating that grading activities are completed and no cultural resources were encountered. Monitoring logs showing the date and time that the monitor was on site must be included in the Negative Monitoring Report.
- b. If archaeological **resources were encountered** during grading, the Project Archaeologist shall provide a Monitoring Report stating that the field grading monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation phase of the monitoring.

Documentation: The applicant shall submit the Monitoring report to the [DPLU, PCC] for review and approval. **Timing:** Upon completion of all grading activities, and prior to Rough Grading final Inspection ([Grading](#)

[Ordinance SEC 87.421.a.2](#)), the report shall be completed. **Monitoring:** The [DPLU, PCC] shall review the report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

D. BIOLOGICAL RESOURCES

1. **BIOLOGICAL EASEMENT: [DPLU, PCC] [DPR TC, GPM] [DGS, RP] [MA, GP, IP] [DPLU, FEE X 2]. Intent:** In order to protect sensitive biological resources, pursuant to the California Environmental Quality Act (CEQA), a biological open space easement shall be granted. **Description of Requirement:** Grant to the County of San Diego by separate document, an open space easement, or grant to the California Department of Fish and Game a conservation easement, as shown on Tentative Parcel Map TPM 20765 dated June 2, 2009. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exception(s) to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.
- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use, Parks and Recreation or the Director of Public Works

Documentation: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to

[DPLU, PCC] for approval. **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the easements shall be executed and recorded. **Monitoring:** The [DGS, RP] shall prepare and approve the easement documents and send them to [DPLU, PCC] and [DPR TC, GPM] for preapproval. The [DPLU, PCC] shall preapprove the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [DPLU, PCC] for satisfaction of the condition.

2. **LBZ EASEMENT: [DPLU, PCC] [DGS, RP][MA, GP, IP] [DPLU, FEEX 2]**

Intent: In order to protect sensitive biological resources, pursuant to the California Environmental Quality Act (CEQA), a Limited Building Zone Easement shall be granted to limit the need to clear or modify vegetation for fire protection purposes within an adjacent biological resource area.

Description of Requirement: Grant to the County of San Diego a Limited Building Zone Easement as shown on the Tentative Parcel Map TPM 20765 dated June 2, 2009. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibit the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

- a. Structures designed or intended for occupancy by humans or animals located no less than 100 feet from the nearest biological open space easement boundary, provided that the structures meet the minimum Fire-Resistive Construction Requirements as defined by the Fire Protection Authority (FPA) having jurisdiction over the property and that FPA has approved in writing a reduction in the vegetation clearing/fuel modification requirements so that they will not be required within any portion of the biological open space easement.
- b. Decking, fences, and similar facilities.
- c. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

Documentation: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to [DPLU, PCC] for approval. **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the easements shall be recorded. **Monitoring:** The [DGS, RP] shall prepare and approve the easement documents and send them to [DPLU, PCC] for pre approval. The [DPLU, PCC] shall preapprove the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements [DGS, RP] shall forward a copy of the recorded documents to [DPLU, PCC] for satisfaction of the condition.

3. **OFF-SITE MITIGATION: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE X2] [DPR, GPM] Intent:** In order to mitigate for the impacts to interior live oak woodland, which is a sensitive biological resource pursuant to CEQA, off-site mitigation shall be acquired. **Description of Requirement:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of 3.25 acres of live oak woodland located in San Diego County as indicated below.
 - a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Game. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
 1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the

bank, the amount required by this project and the amount remaining after utilization by this project.

- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same amount and type of land located in San Diego County as indicated below:
1. The type of habitat and the location of the proposed mitigation, should be pre-approved by [DPLU, PCC] before purchase or entering into any agreement for purchase.
 2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of DPLU. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
 3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of DPLU. The land shall be protected in perpetuity.
 4. The final RMP cannot be approved until the following has been completed to the satisfaction of the Director of DPLU: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
 5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

Documentation: The applicant shall purchase the off-site mitigation credits and provide the evidence to the [DPLU, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by

DPR, the applicant must provide evidence to the [DPLU PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [DPLU, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [DPLU, ZONING]. **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the mitigation shall be completed. **Monitoring:** The [DPLU, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [DPLU, PCC] can preapprove the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [DPLU, ZONING] shall accept an application for an RMP, and [DPLU, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

4. **OPEN SPACE SIGNAGE: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE].**
Intent: In order to protect the proposed open space easement from entry, informational signs shall be installed. **Description of Requirement:** Open space signs shall be placed along the biological open space boundary of lots 1, 2, 3 and 4 as indicated on the Tentative Parcel Map TPM 20765 dated June 2, 2009. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

Sensitive Environmental Resources

Area Restricted by Easement

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,

Department of Planning and Land Use

Reference: TPM 20765, ER 03-15-006

Documentation: The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor, that the open space signs have been installed at the boundary of the open space easement(s). **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the open space signs shall be installed. **Monitoring:** The [DPLU, PCC] shall review the photos and statement for compliance with this condition.

5. **OPEN SPACE FENCING: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE].**
Intent: In order to protect the proposed open space easement from entry, and disturbance, permanent fencing must be installed. **Description of Requirement:** Open space fencing shall be placed along the biological open space boundary as indicated on the Tentative Parcel Map TPM 20765 dated June 2, 2009. The fencing design shall consist of 3 strand wire fencing no less than 4-feet in height. **Documentation:** The applicant shall install the fencing as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space fencing has been installed. **Timing** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the fencing or walls shall be placed. **Monitoring:** The [DPLU, PCC] shall review the photos and statement for compliance with this condition.

6. **WETLAND PERMITS: [DPLU, PCC] [GP, CP, MA] [DPLU, FEE X2]**
Intent: In order to comply with the State and Federal Regulations for jurisdictional waters, the following agency permits, or verification that they are not required shall be obtained. **Description of Requirement:** The following permit and agreement shall be obtained, or provide evidence from the respective resource agency satisfactory to the Director of Planning and Land Use that such an agreement or permit is not required:
 - a. A Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for all project related disturbances of waters of the U.S. and/or associated wetlands.
 - b. A Section 1602 Streambed Alteration Agreement issued by the California Department of Fish and Game for all project related disturbances of any streambed.

Documentation: The applicant shall consult each agency to determine if a permit or agreement is required. Upon completion of the agency review of this project, the applicant shall provide a copy of the permit(s)/agreement(s), or evidence from each agency that such an agreement or permit is not required to the [DPLU, PCC] for compliance. **Timing** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the permits shall be obtained. **Monitoring:** The [DPLU, PCC] shall review the permits/agreement for compliance with this condition. Copies of these permits should be transmitted to the [DPW, ESU], for implementation on the grading plans.

7. **“TEMPORARY FENCING: [DPLU, PCC] [DPW,PDCI] [PC] [DPLU, FEE].** **Intent:** In order to prevent inadvertent disturbance to sensitive habitat with the biological open space easement, temporary construction fencing shall be installed. **Description of Requirement:** Prior to the commencement of any grading and or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary.
- a. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary.
 - b. The placement of such fencing shall be approved by the DPLU, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the fencing shall be removed.

Documentation: The applicant shall provide evidence that the fencing has been installed and have a California licensed surveyor certify that the fencing is located on the boundary of the open space easement(s). The applicant shall submit photos of the fencing along with the certification letter to the [DPLU, PCC] for approval. **Timing:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the grading and clearing. **Monitoring:** The [DPLU, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant.”

8. **“RESOURCE AVOIDANCE: [DPLU, PCC] [DPW, PDCI] DPLU, FEE X2].** **Intent:** In order to avoid impacts to migratory birds and raptors, which are sensitive biological resources pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. **Description of Requirement:** There shall be no brushing, clearing and/or grading such that none will be allowed during the breeding season of migratory birds or raptors within Resource Avoidance Area (RAA) “A” as indicated on these plans. The breeding season is defined as occurring between February 1st and August 31st. The Director of Planning and Land Use [DPLU, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the

California Department of Fish and Game, provided that no migratory birds or raptors are present in the vicinity of the brushing, clearing or grading. **Documentation:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. Although, No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **Timing:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **Monitoring:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [DPLU, PCC] is received. The [DPLU, PCC] shall review the concurrence letter.”

9. **OPEN SPACE SIGNAGE & FENCING: [DPLU, PCC] [DPW, PDCI] [FG, UO] [DPLU, FEE]. Intent:** In order to comply with Conditions 22 and 23 pursuant to the adopted Mitigation Monitoring and Reporting Program (MMRP) for TPM 20765, the fencing and signage shall be installed. **Description of Requirement:** The permanent fences and open space signs shall be placed along the open space boundary of lots 1, 2, 3 and 4 as shown on these plans and the Approved Conceptual Grading and Development Plan for TPM 20765.
- a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.
 - b. The signs must be corrosion resistant, a minimum of 6” x 9” in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,
Department of Planning and Land Use
Reference: TPM 20765, ER 03-15-006

Documentation: The applicant shall install the fencing and signage and provide the documentation photos and certification statement to the [DPLU, PCC]. **Timing:** Prior to the occupancy of any structure and prior to Final Grading Release ([Grading Ordinance Sec. 87.421.a.3](#)) the

fencing and signage shall be installed. **Monitoring:** The [DPLU, PCC] shall review the photos and statement for compliance with this condition.

10. **“EASEMENT AVOIDANCE: [DPLU, PCC] [DPW, PDCI] [DPLU, FEE].**

Intent: In order to protect sensitive resources, pursuant to [County Grading Ordinance Section 87.112](#) the open space easements shall be avoided. **Description of Requirement:** The easement indicated on this plan is for the protection of sensitive environmental resources within the biological open space boundaries and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement, any disturbance shall constitute a violation of the [County Grading Ordinance Section 87.112](#) and will result in enforcement action and restoration. The only exceptions to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.
- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use, Parks and Recreation or the Director of Public Works

Documentation: The applicant shall provide a letter statement to the [DPLU, PCC] stating that all Sensitive Resource Easements were avoided during the grading construction, and that no impacts or encroachment into the open space occurred. **Timing:** Prior to Final Grading Release the letter verifying the easements were not disturbed shall be submitted. **Monitoring:** The [DPW, PDCI] shall not allow any grading, clearing or encroachment into the open space easement.”

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

APPROVAL OF MAP: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY OF SAN DIEGO RECORDER: (Where specifically, indicated, conditions shall also be complied with prior to the approval and issuance of grading or other permits as specified).

1. **COST RECOVERY: [DPLU, DPW, DEH, DPR], [MA, GP, IP] Intent:** In order to comply with [Section 362 of Article XX of the San Diego County Administrative Code](#), Schedule B.5 existing deficit accounts associated with processing this map shall be paid. **Description of requirement:** The applicant shall pay off all existing deficit accounts associated with processing this map. **Documentation:** The applicant shall provide a receipt to the Department of Planning and Land Use, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No map can be issued if there are deficit deposit accounts. **Timing:** Prior to the approval of any map and prior to the approval of any plan and issuance of any permit, all fees and discretionary deposit accounts shall be paid. **Monitoring:** The DPLU Zoning Counter shall review the receipts and verify that all DPLU, DPW, DEH, and DPR deposit accounts have been paid.
2. **GRADING PLAN CONFORMANCE: [DPW, ESU] [DPR, TC PP] [GP, IP, MA] Intent:** In order to implement the required mitigation measures for the project, the required grading plan and improvement plans shall conform to the approved Conceptual Grading and Development Plan. **Description of requirement:** The grading and or improvement plans shall conform to the approved Conceptual Grading Plan, which includes all of the following mitigation measures: archaeological monitoring, biological open space, open space fencing and signage and resource avoidance. **Documentation:** The applicant shall submit the grading plans and improvement plans, which conform to the conceptual development plan for the project. **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the notes and items

shall be placed on the plans as required. **Monitoring:** The [DPW, ESU, or DPLU, BD for DPLU Minor Grading, [DPR, TC for trails and PP for park improvements] shall verify that the grading and or improvement plan requirements have been implemented on the final grading and or improvement plans as applicable. The environmental mitigation notes shall be made conditions of the issuance of said grading or construction permit.

3. **SIGHT DISTANCE: [DPW, LDR] [MA] Intent:** In order to comply with the Design Standards of Section 6.1.(E) of the [County of San Diego Public Road Standards](#), an unobstructed view for safety while exiting the property and accessing a public road from the site, and unobstructed sight distance shall be verified. **Description of requirement:** There shall physically be minimum unobstructed sight distance based upon County Public Road Standards Section 6.1.E in both directions along Old Highway 80 from the private easement road serving the land division.

- a. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

Documentation: The applicant shall have a Registered Civil Engineer, a Registered Traffic Engineer, or a Licensed Land Surveyor provide a signed statement that physically, there is minimum unobstructed sight distance as detailed above, and submit them to the [DPW, LDR] for review. **Timing:** Prior to the approval of the parcel map the sight distance shall be verified. **Monitoring:** The [DPW, LDR] shall verify the site distance certifications.

4. **RELINQUISH ACCESS: [DPW, LDR] [DGS, RP] [MA] Intent:** In order to promote orderly development and to comply with the [Public Facilities Element and the Circulation element of the General Plan](#), access shall be relinquished onto Old Highway 80 and Old Highway 80 (SC 1883). **Description of requirement:**

- a. Relinquish access rights onto Old Highway 80 and Old Highway 80 (SC 1883) along the frontage of the property except for the opening of the private easement road serving the land division.
- b. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required.

Documentation: The applicant shall prepare the pages of the parcel map showing the relinquishment and present them for review to [DPW, LDR]. The applicant shall also provide copies of the parcel map to [DGS, RP] for review. **Timing:** Prior to the recordation of the Parcel Map, the access shall be shown as relinquished. **Monitoring:** The [DPW, LDR] [DPR, TC, PP] shall review the parcel map for compliance with this condition. The [DPW, LDR] shall verify the access relinquishment on the parcel map.

5. **FIRE TURNOUT EASEMENT: [DPW, LDR] [FIRE] [MA]. Intent:** In order to provide the appropriate fire turnarounds pursuant to the Pine Valley Fire Protection District Standards and to comply with the [County Subdivision Ordinance Section 81.703](#) the easement(s) shall be provided.

Description of Requirement: The Parcel Map shall show a thirty-eight foot (38') minimum radius cul-de-sac located at the terminus of the onsite private easement road serving Parcels 1 and 2, to the satisfaction of the Pine Valley Fire Protection District and the County of San Diego, Director of Public Works. **Documentation:** The applicant shall show the easement on the Parcel Map. **Timing:** Prior to approval of the Parcel Map, the easement shall be indicated on the Parcel Map. **Monitoring:** The [DPW, LDR] shall review the Parcel Map to ensure that the fire turnout easement is indicated pursuant to this condition.

6. **ROAD EASEMENTS: [DPW, LDR] [FIRE] [MA]. Intent:** In order to promote orderly development and to comply with the [County Subdivision Ordinance Section 81.702](#) the easement shall be provided. **Description of Requirement:**

- a. The Parcel Map shall show a minimum forty-foot (40') wide proposed private road easement from the cul-de-sac to Old Highway 80.

Documentation: The applicant shall show the easement on the parcel map. **Timing:** Prior to approval of the parcel map, the easement shall be indicated on the parcel map. **Monitoring:** The [DPW, LDR] shall review the parcel map to ensure that the private road easement is indicated pursuant to this condition.

7. **OFFER OF ROAD DEDICATION: [DPW, LDR] [MA] Intent:** In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.703 through Section 81.705.1](#), the road shall be dedicated. **Description of requirement:** An offer of dedication shall be

made to the County for public road purposes for Old Highway 80 (SC 1883), as indicated below:

- a. The offer to dedicate shall include the right to construct and maintain slopes and drainage improvements as required beyond the forty-foot (40') limit within the boundary of the land division. The Parcel Map shall be prepared to show the offer being accepted.
- b. Any dedication, offer of dedication, or grant of right-of-way shall be free of any burdens or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required, per [Section 81.705 \(a\) of the County Code](#), at the time of recordation of the Parcel Map. All easements of any type must be plotted on the Parcel Map.

Documentation: The applicant shall prepare the parcel map as indicated above and offer the dedication to the County. **Timing:** Prior to the approval of the parcel map, the offer of dedication for Old Highway 80 (SC 1883) shall be made to the County on the parcel map. **Monitoring:** The [DPW, LDR] shall review the map for compliance with this condition. The [DPW, LDR] shall accept the offer of dedication for Old Highway 80 (SC 1883).

8. **UTILITY CONCURRENCE LETTERS: [DPW, LDR] [GP, IP,MA] Intent:** In order to provide adequate notice to the serving utility companies that the road improvements are going to possibly affect their utilities, letters of concurrence shall be provided. **Description of requirement:** Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, letters shall be obtained from each serving utility company. The letters shall state that the arrangements are satisfactory to the utility for which the parcels being created serve. No letter will be required from the following: AT&T/SBC, Olivenhain Municipal Water District, Yucca Mutual Water Company, and the Rainbow Municipal Water District. **Documentation:** The applicant shall obtain the letters and submit them to the [DPW LDR] for review and approval. **Timing:** Prior to the approval improvement plans and the approval of the parcel map, the letters shall be submitted for approval. **Monitoring:** The [DPW, LDR] shall review the signed letters.
9. **UTILITY CONCURRENCE LETTERS: [DPW, LDR] [GP, IP,MA] Intent:** In order to inform the local public entities and utility companies that the parcel map is going to be approved by the County, and to comply with Section 66436 of the Government Code, letters of concurrence for

signature of on the map shall be provided. **Description of requirement:** A certification from each public utility and each public entity owning easements within the proposed land division shall be provided to the County. **Documentation:** The applicant shall obtain the letters, which state that all public entities have received a copy of the proposed Parcel Map, and that they object or do not object to the filing of the Map without their signature. The applicant shall submit the letters to the [DPW LDR] for review and approval. **Timing:** Prior to the approval improvement plans and the approval of the parcel map, the letters shall be submitted for approval. **Monitoring:** The [DPW, LDR] shall review the signed letters.

10. **ANNEX TO LIGHTING DISTRICT: [DPW, LDR] [DPLU, ZONING] [UO].**
Intent: In order to promote orderly development and to comply with the Street Lighting Requirements of the [County Subdivision Ordinance Section 81.707](#) the property shall transfer into the lighting district.
Description of requirement: Allow the transfer of the property subject of this permit into Zone A of the San Diego County Street Lighting District without notice or hearing, and pay the cost to process such transfer.
Documentation: The applicant shall pay the Zone A Lighting District Annexation Fee at the [DPLU, ZONING]. **Timing:** Prior to approval of the parcel map, the fee shall be paid. **Monitoring:** The [DPLU, ZONING] shall calculate the fee pursuant to this condition and provide a receipt of payment for the applicant.
11. **STREET NAME: [DPW, LDR] [MA].**
Intent: In order to provide a name for the private easement road serving the land division, naming of the road is necessary for the health and safety of present and future residents.
Description of Requirement: The private easement road serving this project shall be named. **Documentation:** The applicant shall contact the Street Address Section of the Department of Planning and Land Use (858-694-3797) to discuss the road naming requirements for the development. The applicant shall pay all applicable processing fees for the naming of the road. **Timing:** Prior to approval and preparation of the Parcel Map, the road shall be named. **Monitoring:** The [DPLU, BD] shall provide a name to the applicant. Upon issuance of the road name, the street section shall provide [DPW, LDR] the road name information. The [DPW, LDR] Map Processing, shall ensure that the appropriate road name has been added to the Parcel Map.
12. **PRIVATE ROAD MAINTENANCE AGREEMENT: [DPW, LDR] [MA].**
Intent: In order to ensure that the private roads approved with this subdivision are maintained, the applicant shall assume responsibility of

the private roads. **Description of Requirement:** A maintenance agreement shall be executed that indicates the following:

- a. Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of Public Works.
- b. The Director of Public Works shall be notified as to the final disposition of title (ownership) to the private easement road, and place a note on the Parcel Map as to the final title status of said road.

Documentation: The applicant shall sign the private road maintenance agreement to the satisfaction of the Director of DPW and indicate the ownership on the map as indicated above. **Timing:** Prior to the approval of the Parcel Map, the agreement shall be executed and the ownership shall be indicated on the map. **Monitoring:** The [DPW, LDR] shall review the executed agreement and the map for compliance with this condition.

13. **LINES OF INUNDATION: [DPW, LDR] [MA] Intent:** In order to prevent future development in the flood plain and to comply with the Flood Damage Prevention Ordinance, the Flood Lines of Inundation shall be shown on the map. **Description of requirement:** Lines of inundation to the limits of the 100- year flood along the watercourse, which flows through the property, shall be shown and labeled "Subject To Inundation By The 100- Year Flood" on the Parcel Map.

- a. A Civil Engineer shall provide the necessary hydrology and hydraulics to define the 100-year floodplain inundation limits and annotate the limits on a copy of the approved Tentative Parcel Map.
- b. Each parcel shall have a flood free building site to the satisfaction of the County of San Diego, Director of Public Works. If any of the parcels are found to be devoid of a buildable, flood free site for a residence, the subdivider shall take appropriate action so that each parcel does have a buildable flood free site. This pertains to watersheds having area of twenty five (25) or more acres.

Documentation: The applicant shall indicate the inundation lines on the parcel map as indicated above. **Timing:** Prior to the approval of the parcel map, the inundation lines shall be indicated and labeled on the map. **Monitoring:** The [DPW, LDR] shall verify that the inundation lines have been indicated pursuant to this condition.

PRIVATE IMPROVEMENTS: *(The following Private Improvements shall be completed before the approval of the Parcel Map, or a covenant of improvements shall be executed and recorded).*

14. **COVENANT OF IMPROVEMENTS: [DPW, LDR] [MA] Intent:** In order to allow the deferment of the private improvements required by [Subdivision Ordinance Sec. 81.708](#), a covenant of improvements shall be executed and recorded if the private improvements listed in this decision are not completed before approval of the tentative parcel map. **Description of requirement:** The applicant shall complete all of the private improvements or execute a Covenant of improvements pursuant to the [County Subdivision Ordinance Section 81.708](#), which lists the below-mentioned conditions that remain to be completed. An improvement plan and cost estimate shall be prepared for the private improvements and the estimated costs of the improvements shall be included in the Covenant. The Covenant shall be recorded and noted on the parcel map.

- a. Said Covenant shall be titled, "Covenant of Improvement Requirement, a Building Permit Prohibition." No Building permit or further grant of approval for the development can be issued until the applicant completes the required improvements and applies for and receives a release of improvements from the Director of Public Works pursuant to [County Subdivision Ordinance Section 81.713](#), except a grading or construction permit and or permit to install utilizes within a the private easement may be issued.
- b. For water storage facilities and/or fuel breaks, a release of improvement requirements is only required to state that the improvements have been complied with for the particular parcel for which a building permit is being requested.

Documentation: The applicant shall prepare the improvement plans, provide a cost estimate as indicated below:

- a. Improvement Plans with sufficient detail shall be prepared for the purposes of providing the required estimate of cost for the private improvements. The covenant shall note the estimate of cost to install and/or construct any deferred improvements. The estimate of costs shall be based upon the approved improvement plans.
- b. The plans shall include a signed statement by the private engineer-of-work which states, "The plans are sufficient for the purpose of

providing the required estimate of the cost for the private easement roads, private facilities, and any other private improvements deemed necessary pursuant to the [County Subdivision Ordinance Section 81.708.](#)”

- c. The estimate shall have the engineer’s signature and stamp on the front page along with a statement that reads, “The estimate of the approximate costs as of the date the estimate was prepared for the private improvements required by the final notice of approval and the County of San Diego Private Road Standards.”

The applicant shall prepare the map with the covenant. The Covenant shall be placed on the face of the parcel map, and recorded with the map.

Timing: Prior to the approval of the parcel map, improvements shall be completed or the plans and the cost estimate shall be prepared, approved and the covenant prepared and recorded. **Monitoring:** The [DPW, LDR] shall verify that the cost estimate’s validity, and that the plans can be approved, but shall stamped, “Not approved for construction,” pursuant to this condition. The [DPW, LDR] Map Processing shall verify that the covenant is recorded on the map.

15. **PRIVATE ROAD IMPROVEMENTS (COVENANT): [DPW, LDR] [MA]**

Intent: In order to promote orderly development necessary for public health and safety of the area, and to comply with the [Subdivision Ordinance Sec. 81.708](#), the required private improvements shall be completed or deferred. **Description of Requirements:**

- a. The to-be-named private easement road, from the cul-de-sac to Old Highway 80, shall be graded a minimum twenty-eight feet (28') wide and improved a minimum twenty-four feet (24') wide with asphalt concrete. The improvement and design standards of Section 3.1(C) of the County Standards for Private Roads for 100 or less trips shall apply, to the satisfaction of the County Department of Public Works.
- b. The cul-de-sac shall be graded to a minimum radius of thirty-eight feet (38') and improved with asphalt concrete to a minimum radius of thirty-six feet (36'), to the satisfaction of the Pine Valley Fire Protection District.
- c. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt

concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

- d. The County of San Diego, Department of Public Works, shall be notified before any private road construction. Copies of the blueline plans shall be submitted and an inspection deposit shall be posted.
- e. The structural section for the private road shall be approved by the County of San Diego, Department of Public Works Materials Laboratory, before construction activities commence pursuant to Section 3.11 of the San Diego County Standards for Private Roads.

Documentation: The applicant shall complete the following:

- a. Process and obtain approval of the grading or Improvement Plans to improve the onsite to-be-named private easement road, and provide the cost estimate. All plans and improvements shall be completed pursuant to the [County of San Diego Private Road Standards](#) and the DPW [Land Development Improvement Plan Checking Manual](#).
- b. The improvements shall be completed and a secured agreement shall be executed pursuant to [Subdivision Ordinance Sec. 81.708](#), for the required improvements, or execute a covenant of improvements to defer the requirements until after the map is recorded.

Map Timing: Prior to approval and recordation of the parcel map, this requirement shall be completed or a recorded in the covenant of improvements. **Covenant Timing:** No Building permit or further grant of approval for the development can be issued until the applicant completes the required improvements and applies for and receives a release of improvements from the Director of Public Works pursuant to [County Subdivision Ordinance Section 81.713](#), except a grading or construction permit and or permit to install utilizes within a the private easement may be issued. **Monitoring:** The [DPW, LDR] shall review the plans for constancy with the condition and County Standards. Upon approval of the plans and cost estimate [DPW, LDR] shall have this condition placed in the covenant of improvements and recorded with the map.

16. **STREET SIGNS: (DEFERRED) [DPW, LDR] [DPW, PDCI] [MA] Intent:** In order to provide a name for the private streets, placing street signs is necessary for the health and safety of present and future residents. **Description of Requirement:** A street name sign, with a County approved street name, shall be installed and located at the intersection of the onsite to-be-named private easement road and Old Highway 80 per [San Diego County Design Standards DS 13](#). **Documentation:** The applicant shall install street signs pursuant to this condition, and provide evidence to the [DPW, LDR] that they are installed. **Map Timing:** Prior to approval and recordation of the parcel map, this requirement shall be completed or recorded in the covenant of improvements. **Covenant Timing:** No Building permit or further grant of approval for the development can be issued until the applicant completes the required improvements and applies for and receives a release of improvements from the Director of Public Works pursuant to [County Subdivision Ordinance Section 81.713](#), except a grading or construction permit and or permit to install utilities within a the private easement may be issued. **Monitoring:** The [DPW, LDR] shall verify that the streets signs are indicated on the plans. The [DPW, PDCI] shall verify the installation of the required street signs before final grading release.
17. **IMPROVEMENT CERTIFICATION: (DEFERRED) [DPW, LDR] [MA]. Intent:** In order ensure that the proposed work on the private road easement stays within the private road easement, and to comply with County ordinances and standards, a letter of certification shall be provided. **Description of Requirement:** The to-be-named private easement road, including all slopes and the cul-de-sac, from the cul-de-sac to Old Highway 80 shall be constructed entirely within the easement, including drainage structures, for the benefit of the land division. If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or a letter of permission shall be obtained and an engineer or surveyor shall further certify that letter(s) of permission have been obtained for work outside of the easement limits. **Documentation:** The applicant shall have a Registered Civil Engineer or a Licensed Land Surveyor provide a signed statement, which certifies that the improvements were constructed entirely within the easement, including drainage structures, for the benefit of the land division pursuant to this condition. **Map Timing:** Prior to approval and recordation of the parcel map, this requirement shall be completed or recorded in the covenant of improvements. **Covenant Timing:** No Building permit or further grant of approval for the development can be issued until the applicant completes the required improvements and applies for and receives a release of improvements from the Director of

Public Works pursuant to [County Subdivision Ordinance Section 81.713](#), except a grading or construction permit and or permit to install utilities within a the private easement may be issued. **Monitoring:** The [DPW, LDR] shall verify that this requirement has been placed in the Covenant of improvements for the parcel map. Upon completion of the improvements, the [DPW, LDR] shall verify the accuracy of the certification letter pursuant to this condition.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

Director of Planning and Land Use

on _____

Rosemary Rowan, Planning Manager
Project Planning Division

EG:RR:ag